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09/750,689	01/02/2001	Tatsu Inoue	Q62565	8183

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EXAMINER

SHELEHEDA, JAMES R

ART UNIT PAPER NUMBER

2614

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/750,689

Applicant(s)

INOUE, TATSU

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Defreese et al. (Defreese) (WO 99/07151) in view of Ellis et al. (Ellis) (6,275,268) (of record).

As to claims 1 and 7, Defreese discloses a program guide display apparatus (home communication terminal, 4; page 3, lines 10-18) which displays a program guide (page 7, lines 18-28 and page 8, lines 21-24) comprising:

a storing device (secure memory, 38) which stores contract conditions of a plurality of programs (storing authorization data; page 5, lines 22-29 and page 2, lines 14-22);

a program information receiving device (Fig. 2; tuner, 12) which receives information about the programs (service information tables including program guide data; page 7, lines 3-28);

a program selection accepting device which accepts a selection of a desirable program from the plurality of the programs (accepting user selection from an EPG for a desired service; page 8, lines 21-24);

a contract conditions reading device (secure processor, 30) which reads the contract conditions corresponding to a selected program whose selection is accepted (reading stored authorization data to confirm if a user can receive the service; page 6, lines 13-20 and page 8, lines 26-29);

a program information reading device (secure processor, 30) which reads viewing conditions from the program information corresponding to the selected program (reading entitlement unit numbers contained in the information tables; page 6, lines 13-20, page 7, lines 12-17 and page 8, lines 26-29), the viewing conditions indicating that the selected program is a conditional access program (indicating that only certain subscribers may receive the premium service; page 8, lines 2-10, lines 21-30 and page 1, lines 19-30) or a free-of-charge program (standard over the air broadcast programs; page 1, lines 19-30);

a comparison device (secure processor, 30) which compares the read viewing conditions with the read contract conditions (page 6, lines 13-20 and page 8, lines 26-29);

a determining device (secure processor, 30) which determines whether the selected program is allowed to be viewed on the basis of the comparison result by the comparison device (page 6, lines 13-20 and page 8, lines 26-29).

While Defreeze discloses a displaying device (to display the program guide and service; page 8, lines 21-30) which displays determining result information on the basis of the result of determining by the determining device (displayed message indicating the user is not entitled to the service; page 8, lines 26-30), at least if the result of

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determining is that the selected program is not allowed to be viewed (page 8, lines 26-30) and wherein a user selects the program from an EPG (page 8, lines 21-24), he fails to specifically disclose displaying specifying information to specify the selected program on an identical screen.

In an analogous art, Ellis discloses a receiver system (Fig. 1; column 8, lines 23-31) for receiving program guide information (column 8, lines 52-58) to be displayed to a viewer (column 10, lines 5-15) which will display specifying information concerning a selected program (program title; Fig. 9; column 19, lines 66-67 and column 20, lines 1-24) on the same screen as information indicating the user is not allowed to view the selected program (Fig. 9; column 19, lines 66-67 and column 20, lines 1-24) for the typical benefit of providing a user friendly system where a user can easily identify if they may currently access a particular program (column 19, lines 66-67 and column 20, lines 1-24).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Defreese's system to include displaying specifying information to specify the selected program on an identical screen, as taught by Ellis, for the typical benefit of utilizing an EPG which provides a user friendly means to easily identify if a user may currently access a particular program.

As to claims 2 and 8, Defreese and Ellis disclose wherein the displaying device displays the specifying information (program information displayed with the program; see Ellis at Fig. 12), if the result of determining is that the selected program is allowed to

be viewed (wherein the user is being allowed to view the program; see Ellis at column 14, lines 7-21).

As to claims 3 and 9, Defreese and Ellis disclose wherein the program information received by the program information receiving device is provided by EPG data (service information tables including program guide data; see Defreese at page 7, lines 3-28).

As to claims 4 and 10, Ellis and Deiss disclose wherein the program information read by the program information device includes at least

a name of the selected programs (see Ellis at Fig. 9), contents information about contents of the selected programs (additional information; see Ellis at Fig. 21 and column 18, lines 32-43), a start time of the selected programs (4:00; see Ellis at Fig. 9), a finish time of the selected programs (5:30; see Ellis at Fig. 9), a broadcasting channel of the selected programs (6, HBO; see Ellis at Fig. 9), a broadcasting dates of the selected programs (wherein the guide data includes current and future airing dates of the show; see Ellis at column 14, lines 64-67 and column 15, lines 1-2), and the viewing conditions of the selected programs (see Defreese at page 6, lines 13-20, page 7, lines 12-17 and page 8, lines 26-29); and

the displaying device displays at least the name of the selected program (see Ellis at Fig. 21), and the contents information of the selected program (see Ellis at Fig. 21).

As to claims 5 and 11, Defreese and Ellis disclose wherein the displaying device also displays the determining result information on the identical screen (displaying the selected program and it's program information; see Ellis at Fig. 12), if the result of determining is that the selected program is allowed to be viewed (wherein the user is being allowed to view the program; see Ellis at column 14, lines 7-21).

As to claims 6 and 12, Defreese and Ellis disclose wherein the program information received by the program information receiving device is provided by EPG data (service information tables including program guide data; see Defreese at page 7, lines 3-28).

As to claims 13 and 16, Defreese and Ellis disclose wherein the displaying device displays the specifying information (program information displayed with the program; see Ellis at Fig. 12), if the read viewing conditions indicates that the selected program is a free-of-charge program (indicating the program is a standard over the air broadcast that can be viewed and not premium; see Defreese at page 1, lines 19-30 and page 6, lines 13-15).

As to claims 14 and 17, Defreese and Ellis additionally disclose wherein the specifying process displays the specifying information (see Ellis at Fig. 23), if the read viewing conditions indicates that the selected program is a pay-per-view program (see

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Ellis at Fig. 23 and column 19, lines 1-22) for the typical benefit of providing a user with program information for pay-per-view programming they may wish to order (see Ellis at column 19, lines 1-22).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify the current combination of Defreese and Ellis to further include wherein the specifying process displays the specifying, if the read viewing conditions indicates that the selected program is a pay-per-view program, as further taught by Ellis, for the typical benefit of providing a user with program information for pay-per-view programming they may be interested in and have a desire to order for viewing.

As to claims 15 and 18, Defreese and Ellis disclose wherein  
if the read viewing conditions indicates that the selected program is a conditional access program (indicating that only certain subscribers may receive the premium service; see Defreese at page 8, lines 2-10, lines 21-30 and page 1, lines 19-30),  
the comparison process compares the read viewing conditions with the read contract conditions (see Defreese at page 6, lines 13-20 and page 8, lines 26-29), and  
the determining process determines whether the selected program is allowed to be viewed (see Defreese at page 6, lines 13-20 and page 8, lines 26-29).

### ***Response to Arguments***



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3. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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## Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patent Examiner  
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